

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RAZVAN HOTARANU and LUIS FELIX, *on
behalf of themselves and all others similarly situated,*

Plaintiffs,

-against-

O R D E R

16 CV 5320 (RML)

STAR NISSAN INC., JOHN KOUFAKIS SR., JOHN
KOUFAKIS JR., STEVEN KOUFAKIS, and
MICHAEL KOUFAKIS,

Defendants.

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LEVY, United States Magistrate Judge:

The parties in this combined Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”) collective action request permission to submit revised FLSA settlement agreements to the court for a fairness review under Cheeks v. Freeport Pancake House, 796 F.3d 199 (2d Cir. 2015). This request comes in response to my February 19, 2019 Memorandum and Order, in which I declined to reconsider my prior ruling denying approval of the proposed “bifurcated” settlement. (See Memorandum and Order, dated Feb. 19, 2019 (“Feb. 2019 M&O”), Dkt. No. 64.)

The parties’ request is granted. However, the court additionally requests a status report as to the settlement of the parties’ non-FLSA claims. The court notes that the parties had previously agreed to terms that would compensate plaintiffs for both their FLSA and non-FLSA claims. The bifurcated structure of that settlement was not approved. (See Memorandum and Order, dated Aug. 13, 2018, Dkt. No. 59.) In my February 19, 2019 Memorandum and Order, I ordered the parties to submit either (1) a single settlement agreement of all FLSA and non-FLSA claims or (2) an alternate proposal that would permit the court to approve the settlement without

running afoul of Cheeks. (See Feb. 19 M&O.) Thus, the status report should address which option the parties have chosen. If the parties have chosen the first option, then the court would like assurances that any agreements it receives shall represent the entirety of the settlement between the parties, for all claims brought in this action. If the parties have chosen the second option, then the court requests additional details as to what the parties are proposing. The parties shall submit the revised settlement agreements and the status report by April 11, 2019.

SO ORDERED.

Dated: Brooklyn, New York
March 21, 2019

/s/
ROBERT M. LEVY
United States Magistrate Judge